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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,458	07/03/2003	Teruyoshi Komuro	09812.0418-01000	6545
22852	7590	02/26/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			NALVEN, ANDREW L	
ART UNIT	PAPER NUMBER	2134		
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,458	<b>Applicant(s)</b> KOMURO ET AL.
	<b>Examiner</b> ANDREW L. NALVEN	<b>Art Unit</b> 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 11 January 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 30-32, 34, 35, 38-40, 42 and 43 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 30-32, 34-35, 38-40, and 42-43 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 7/3/03 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. 09/311,608.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 30-32, 34-35, 38-40, and 42-43 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 30-32, 34-35, 38-40, and 42-43 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-32, 34-35, 38-40, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warren et al US Patent No. 5,963,909 in view of Hoogendoorn et al US Patent No. 5,083,224 and Kim US Patent No. 6,519,412.

4. With regards to claims 34 and 42, Warren teaches inputting the data to be recorded onto a recording medium loaded on the recording apparatus (Warren, column 8 lines 19-23, master data is received), converting the input data into a predetermined

format which is reproducible at the recording apparatus (Warren, column 8 lines 19-26, master data is compressed), generating copy permission information specifying which type of copy permission is associated with the data (Warren, column 8 lines 24-30, SMT data), adding the copy permission information to the converted data (Warren, column 8 lines 24-30, SMT data added to create combined signal) and recording the converted data with the copy permission information onto the recording medium (Warren, column 8 lines 24-30, SMT data 29-30, Figure 3), extracting information for controlling copying of the data included in the input data (Warren, column 10 lines 61-67, column 11 lines 16-21), and comparing a copy restriction level indicated by the information for controlling copying of the data included in the input data with a predetermined copy restriction level (Warren, column 11 lines 16-21), wherein the copy permission information is generated in accordance with the comparison of the copy restriction level and added to the data (Warren, column 11 lines 16-21). Warren fails to teach determining whether the input data includes information for controlling copying of the data and adding the copying permission information to the data if the input data does not include any information for controlling copying of the data and a copy restriction level instructed via an operation panel. However, Hoogendoorn teaches determining whether the input data includes information for controlling copying of the data and adding the copying permission information to the data if the input data does not include any information for controlling copying of the data (Hoogendoorn, column 11 lines 5-14, detects absence of auxiliary signal and adds auxiliary signal if no auxiliary signal is present). Further, Kim teaches copy restriction level instructed via an operation panel

(Kim, column 1 line 60 – column 2 line 20, level entered by data input means). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hoogendoorn and Kim's method of data reproduction because it offers the advantage of allowing the modification of reproduction restriction levels to a user's desired setting (Kim, column 1 lines 30-60) and preventing illegal copying of data thus protecting royalties (Hoogendoorn, column 1 lines 35-55).

5. With regards to claims 30 and 38, Warren as modified teaches reproducing the data recorded on the recording medium loaded on the recording apparatus (Warren, column 8 lines 35-46).

6. With regards to claims 31 and 39, Warren as modified teaches reading the data recorded on the recording medium (Warren, column 8 lines 35-41), extracting copy permission information from the data recorded on the recording medium (Warren, column 8 lines 40-46, de-multiplexed), generating information for controlling copying of the data to be output in accordance with copy permission specified by the copy permission information (Warren, column 9 lines 49-65), and outputting the data along with the generated information for controlling copying of the data (Warren, column 9 line 65 – column 10 line 12).

7. With regards to claims 32 and 40, Warren as modified teaches transforming the data into a form that cannot be reproduced when copied onto the other recording medium (Warren, column 11 lines 16-22).

8. With regards to claims 35 and 43, Warren as modified teaches determining whether copy protection of data to be recorded is instructed by a user of the recording

apparatus (Warren, column 1 lines 33-50) and wherein the copy permission information is generated and added to the data if copy protection of data to be recorded is instructed (Warren, column 1 lines 33-50).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is

(571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/  
Examiner, Art Unit 2134

/Kambiz Zand/  
Supervisory Patent Examiner, Art Unit 2132